

REMARKS/ARGUMENTS

The office action of March 18, 2010 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 23-26 remain in this application. Claims 1-22 and 27-42 have been canceled without prejudice or disclaimer.

Double Patenting

Claims 23, 24, and 26 stand provisionally rejected on the ground of nonstatutory obviousness double patenting over claims 19, 23, and 42 of copending application 10/588,757. Notwithstanding the merits, to obviate this rejection and expedite prosecution, applicants submit herewith a Terminal Disclaimer.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1-21, 23-40, and 45 stand rejected under 35 USC 112, first paragraph, as not being enabled for making “prodrugs thereof.” Claims 1-21 and 27-40 and 45 have been canceled. Claim 23 has been amended to delete the term “prodrugs.” Withdrawal of this rejection is requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-21, 23-40, and 45 stand rejected under 35 USC 112, second paragraph, as indefinite for the term “prodrug ester thereof.” Claims 1-21 and 27-40 and 45 have been canceled. Claim 23 has been amended to delete the term “prodrugs.” Withdrawal of this rejection is requested.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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